

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Epstein, et al.

SERIAL NUMBER : 10/627,543

EXAMINER : Kimberly Chong

FILING DATE : July 25, 2003

ART UNIT : 1635

FOR : REGULATED APTAMER THERAPEUTICS

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:


1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (5 pages), in duplicate;
3. Copies of Cited References: B11-28; C72-155, in duplicate;
4. Check in the amount of \$180.00 (#21223); and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 23239-537.

A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

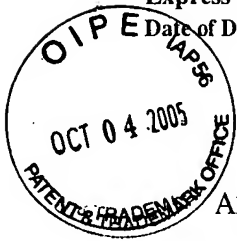

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Supplemental Information Disclosure Statement is being filed after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed. By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A25-53 and of the Published Applications A54-55 are not submitted.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: Epstein et al.
U.S.S.N.: 10/627,543

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 23239-537.

Respectfully submitted,



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Modified Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number

10/627,543

Filing Date

July 25, 2003

First Named Inventor

Epstein

Group Art Unit

1635

Examiner Name

Kimberly Chong

Attorney Docket Number

23239-537

U.S. PATENT DOCUMENTS

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	*A25	3,710,795	01/16/73	Higuchi et al.			
	*A26	3,755,295	8/28/73	Verheyden et al.			
	*A27	4,683,195	07/28/87	Mullis			
	*A28	4,935,363	06/19/90	Brown et al.			
	*A29	4,959,309	9/25/90	Dattagupta et al.			
	*A30	5,070,010	12/03/91	Hsu			
	*A31	5,118,672	6/2/92	Schinazi et al.			
	*A32	5,143,854	9/1/92	Pirrung et al.			
	*A33	5,262,564	11/16/93	Kun et al.			
	*A34	5,338,671	8/16/94	Scalice et al.			
	*A35	5,443,791	8/22/95	Cathcart et al.			
	*A36	5,445,934	8/29/05	Fodor et al.			
	*A37	5,474,911	12/12/95	Pontius			
	*A38	5,459,015	10/17/95	Janjic et al.			
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	*A51	6,083,696	7/4/00	Biesecker et al.			
	*A52	6,465,189	10/15/02	Biesecker et al.			
	*A53	6,630,306	10/07/03	Breaker			

U.S. PUBLISHED APPLICATION DOCUMENTS							
Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	*A54	20030104520A1	6/5/03	Ellington et al.			
	*A55	20050176017A1	8/11/05	Breaker			

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number		Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No	
	B11	WO	89/06694	TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA	07/27/89		
	B12	WO	91/14436	ISIS PHARMACEUTICALS, INC.	10/03/91		
	B13	WO	92/05285	FRED HUTCHINSON CANCER RES. CENTER	04/02/92		
	B14	WO	92/14842	GILEAD SCIENCES, INC.	09/03/92		
	B15	WO	92/14843	GILEAD SCIENCES, INC.	09/03/92		
	B16	WO	94/13791	INNOVIR LABORATORIES, INC.	06/23/94		
	B17	WO	94/13833	INNOVIR LABORATORIES, INC.	06/23/94		
	B18	WO	96/17086	THE SCRIPPS RES. INSTITUTE	06/06/96		
	B19	WO	96/21730	UNIVERSITY OF VERMONT AND STATE AGRICULTURAL COLLEGE	07/18/96		
	B20	WO	99/16781	ROCHE DIAGNOSTICS GMBH	04/08/99	Abstract only	
	B21	WO	00/24426	INTELLIGENE LTD.	05/04/00		
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	B28	GB	2 183 661 A	BALLIVET et al.	06/10/87		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C72	Andrake et al. <i>Proc. Natl. Acad. Sci. USA</i> , (1988) 85:7942-7946
	C73	Araki et al. <i>Nucl. Acids Res.</i> , (1998) 26(14):3379-3384
	C74	Aurup et al., <i>Biochem.</i> , (1992) 31:9636-9641
	C75	Beaudry et al. <i>Science</i> , (1992) 257:635-641
	C76	Belshaw et al. <i>Angew. Chem. Int. Ed. Engl.</i> , (1995) 34(19):2129- 2132
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	C78	Breaker et al. <i>Chem. Biol.</i> , (1994) 1:223-229
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Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C80	Chaires <i>J. Biol. Chem.</i> , (1986) 261(19):8899-8907
	C81	Chen et al., <i>Biochem.</i> , (1977) 16(15):3310-3315
	C82	Cohen et al. <i>Proc. Natl. Acad. Sci. USA.</i> , (1969) 63:458-464
	C83	Davis et al. <i>Meth. Enzymol.</i> , (1996) Vol. 267:302-314
	C84	Dehouck et al. <i>Biology and Physiology of the Blood Brain Barrier</i> , Couraud and Scherman eds., (1996) Chapter 23, pp. 143-146
	C85	Ellington et al. Abstracts of papers presented at the 1990 meeting on RNA Processing, Cold Spring Harbor Laboratory, Cold Spring Harbor, NY, (1990) pgs. 84-85
	C86	Epstein et al. "Archemix, Evolving Drug Discovery," Scientific presentation in Cambridge, MA., USA on December 12, 2001
	C87	Epstein et al. "Archemix, Evolving Drug Discovery," Scientific Presentation in La Jolla, CA., USA, on January 4, 2002
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	C90	Froehler et al. <i>Nucl. Acid Res.</i> , (1986) 14(13):5399-5407
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	C94	Gold et al. <i>Annu. Rev. Biochem.</i> , (1995) 64:763-797
	C95	Hirose et al., <i>Tet. Lett.</i> , (1978) 28:2449-2452
	C96	Joyce et al. <i>Nucl. Acids Res.</i> , (1989) 17(2):711-722
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	C98	Kacian et al. <i>Proc. Natl. Acad. Sci. USA.</i> , (1972) 69(10):3038-3042
	C99	Kadonaga et al. <i>Proc. Natl. Acad. Sci. USA.</i> , (1986) 83:5889-5893
	C100	Kellogg et al. <i>BioTechniques</i> , (1994) 16(6):1134-1137
	C101	Kinzler et al. <i>Nucl. Acids Res.</i> , (1989) 17(10):3645-3653
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	C105	Leach et al. <i>J. Am. Chem. Soc.</i> , (1951) 73:2794-2797
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	C107	Levisohn et al. <i>Proc. Natl. Acad. Sci. USA.</i> , (1968) 60:866-872
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	C109	Ma et al. <i>Cell</i> , (1987) 51:113-119
	C110	Maniatis et al. <i>Molecular Cloning: a Laboratory Manual</i> , Cold Spring Harbor, NY, (1982) pg.118
	C111	Maniatis et al. <i>Science</i> , (1987) 236: 1237-1245
	C112	Matthews et al. <i>Anal. Biochem.</i> , (1988) 169:1-25
	C113	McKenna et al. <i>J. Med. Chem.</i> , (2002) 45:2173-2184
	C114	Miele et al. <i>J. Mol. Biol.</i> , (1983) 171:281-295

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	C115	Milligan et al. <i>J. Med. Chem.</i> , (1993) 36(14):1923-1937
	C116	Mills et al. <i>Science</i> , (1973) 180:916-927
	C117	Mills et al. <i>Proc. Natl. Acad. Sci. USA</i> , (1967) 58:217-224
	C118	Min et al. <i>Nucl. Acids Res.</i> , (1988) 16(11):5075-5087
	C119	Muesing et al. <i>Nature</i> , (1985) 313:450-458
	C120	Mullis et al. <i>CSHS Quant. Biol.</i> , LI 263-273 (1986)
	C121	Norman et al. <i>J. Am. Chem. Soc.</i> , (1996) 118(31):7430-7431
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	C123	Oliphant et al. <i>Nucl. Acids Res.</i> , 16(15):7673-7683
	C124	Oliphant et al. <i>Gene</i> , (1986) 44:177-183
	C125	Oliphant et al. <i>Mol. Cell. Biol.</i> , (1989) 9:2944-2949
	C126	Orgel <i>Proc. R. Soc. Lon. B</i> , (1979) 205:435-442
	C127	Ou et al. <i>Science</i> , (1988) 239:295-297
	C128	Padilla et al. <i>Nucl. Acids Res.</i> , (1999) 27(6):1561-1563
	C129	Pease et al. <i>Proc. Natl. Acad. Sci.</i> , (1994) 91: 5022-5026
	C130	Porta et al. <i>Biotechnol.</i> , (1995) 13(2):161-164
	C131	Robertson et al. <i>Nature</i> , (1990) 344:467-468
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	C136	Sen <i>Chem. Biol.</i> , (2002) 9:851-855
	C137	Shen et al. <i>J. Biol. Chem.</i> , (2001) 276(50):47311-47319
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	C139	Sood et al. <i>Nucl. Acid Res.</i> , (1977) 4(8):2757-2765
	C140	Specht <i>Curr. Opin. Cell Biol.</i> , (2002) 14:155-159
	C141	Szostak "A Structure and Activity of Ribozymes", <i>Redesigning the Molecules of Life</i> , (SA Benner ed.) Springer-Verlag Berline Heidelberg, pp. 87-113 (1988)
	C142	Talbot et al. <i>Nucl. Acids Res.</i> , (1990) 18(12):3521-3528
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	C144	Thiesen et al. <i>Nucl. Acids Res.</i> , (1990) 18(11):3203-3209
	C145	Tucker et al. <i>J. Chromatography B.</i> , (1999) 732:203-212
	C146	Tuerk et al. <i>Science</i> , (1990) 249:505-510
	C147	Tyagi et al. <i>Nat. Biotechnol.</i> , (1996) 14(3) 303-308
	C148	Uhlenbeck et al. <i>J. Biomol. Struct. Dynamics</i> , (1983) 1:539-552
	C149	Verdugo et al. <i>Med. Chem.</i> , (2001) 44:2683-2686
	C150	Verheyden et al. <i>J. Org. Chem.</i> , (1971) 36(2):250-254

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C151	Watson et al. Molecular Biology of the Gene, Benjamin/Cummings Publishing Co., Inc. California, (1987) pp. 267,295,323,361,394,396,397 and 405
	C152	Wecker et al. <i>RNA</i> , (1996) 2:982-994
	C153	Weintraub, Cold Springs Harbor Symp. Quant. Biol. (1973) 38:247-256
	C154	Xu et al. <i>Proc. Natl. Acad. Sci. USA</i> , (1996) 93(15): 7475-7480
	C155	Yang et al. <i>Biochem.</i> , (1992) 31:5005-5009

* By the waiver of 37 CFR 1.98(a)(2)(i) copies of the U.S. Patents A25-A55 are not submitted.

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.